

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ABBVIE INC., et al.,

Defendants.

Case Number: 2:14-CV-5151-HB

Certification Pursuant to Local R. Civ. P. 26.1(f)

I am counsel for Plaintiff Federal Trade Commission (“FTC”) in the above-captioned case. Counsel for the FTC and counsel for Defendants AbbVie Inc., Abbott Laboratories, and Unimed Pharmaceuticals, LLC (the “AbbVie Defendants”) engaged in the following efforts to resolve the discovery dispute set forth in the FTC’s Motion to Compel AbbVie Defendants to Produce Documents Improperly Withheld on Privilege Grounds from their Pennsylvania Privilege Logs.

1. I sent letters on March 21, April 27, April 29, May 17, and May 23, 2016 to Mr. Senator identifying deficiencies in the privilege logs produced by AbbVie Defendants on February 29, March 14, March 21, March 31, April 1, April 8, April 29, and May 13, 2016.
2. AbbVie Defendants responded to these letters on April 15, May 6, May 17, and May 31, 2016 and disputed each of the positions taken by the FTC, but nonetheless agreed to produce a number of previously withheld documents and revised certain log entries.

3. The FTC and AbbVie Defendants discussed privilege issues on a June 6, 2016 meet-and-confer call.
4. I sent a letter on June 10, 2016 informing AbbVie Defendants of our remaining disputes and asking some follow-up questions regarding some of the disputed entries. On June 15, 2016, the FTC also sent AbbVie Defendants an email identifying additional disputes on a new privilege log provided on June 10, 2016.
5. On June 17, 2016, AbbVie Defendants sent a letter answering some of the FTC's follow-up questions.
6. The FTC and AbbVie Defendants exchanged further communications by email over the next few days and on June 23, 2016, AbbVie Defendants produced some of the disputed documents.
7. Although the parties have narrowed the issues for presentation to the Court through these exchanges, there remain 37 withheld documents on which the parties are unable to reach agreement.

I certify that, after the reasonable efforts described above, the parties are unable to resolve this dispute.

Dated: June 30, 2016

/s/ Patricia M. McDermott
Patricia M. McDermott